

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Jill Rivera, Assistant Deputy Clerk.

**F045512      Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board of California; BP West Coast Products, LLC**

Cause called and argued by David I. Bass, Esq., Deputy Attorney General, counsel for petitioner and by Bruce R. Evans, Esq., counsel for real party.

Cause ordered submitted.

Court recessed until Wednesday, September 8, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

**F044698      Fresno Irrigation District v. Public Employment Relations Board; Fresno Irrigation District Employees Association**

Cause called and argued by Brooke L. Williams, Esq., counsel for petitioner and by Tammy Samsel, Esq., counsel for respondent and by Antonio Ruiz, Esq., counsel for real party.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Wiseman, Acting P.J. to act as Presiding Justice in his absence and leaves the bench with Cornell, J.; they are replaced by Gomes, J. and Dawson, J.

**F043388      In re David H. McGraw on Habeas Corpus**

Cause called and argued by Heather MacKay, Esq., counsel for petitioner and by Daniel J. Kossick, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, September 9, 2004 at 10:00 A.M.

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**F043334      People v. Montano**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F043334      People v. Montano**

The convictions are affirmed. The admission of the prior allegations is reversed and the matter remanded to the trial court to determine the truth of the allegations and for resentencing.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045716      In re Marcos G., a Minor**

The above-entitled case is submitted for decision.

**F045716      In re Marcos G., a Minor**

The appeal is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043934      Majistee Corporation v. Lewis et al.**

Respondent's petition for rehearing filed herein is denied.

**F045016      In re Ethan N., a Minor**

The order of the juvenile court granting reunification services to Carrie B. is reversed and the matter is remanded. The juvenile court is directed to enter an order terminating reunification services; the Kern County Department of Human Services is directed to set this matter for a hearing pursuant to section 361.5, subdivision (f) as soon as possible. Dawson, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

**F043941      People v. Rubio**

Appellant's petition for rehearing filed herein is denied.

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**F043691      People v. Black et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F043098      Clark v. Clark**

The order denying the motion to set aside a portion of the stipulated judgment is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Wiseman, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043517      People v. Castro**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.